



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger  
Governor

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Gary L. Faulconer  
Department of Water Resources  
34534 116<sup>th</sup> Street East  
Pearblossom, CA 93543

**WATER QUALITY CERTIFICATION FOR PROPOSED PYRAMID LAKE BOAT DOCK SEDIMENT REMOVAL PROJECT (Corps' Project No. 2007-01172-KW), PYRAMID LAKE, CITY OF PYRAMID LAKE, LOS ANGELES COUNTY (File No. 07-175)**

Dear Mr. Faulconer:

Board staff has reviewed your request on behalf of USDA, Department of Water Resources for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 26, 2007.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_  
[Original Signed By]  
Tracy J. Egoscue  
Executive Officer

\_\_\_\_\_  
February 19, 2008  
Date

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## DISTRIBUTION LIST

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San Francisco, CA 94105

Jim Bartel  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

# ATTACHMENT A

## Project Information File No. 07-175

1. Applicant: USDA, Department of Water Resources  
34534 116<sup>th</sup> street East  
Pearblossom, CA 93543  
  
Phone: (661) 702-1136 x30 Fax: (661) 294-3651
2. Applicant's Agent: Gary Faulkner
3. Project Name: Pyramid Lake USDA Forest Service Boat Dock Sediment Removal
4. Project Location: Pyramid Lake area, Los Angeles County
- | Longitude in D°M'S" | Latitude in D°M'S" |
|---------------------|--------------------|
| 118°47'4.09"        | 34°40'44.2"        |
| 118°47'4.02"        | 34°40'42.4"        |
| 118°47'3.65"        | 34°40'40.5"        |
| 118°47'2.76"        | 34°40'40.1"        |
| 118°47'2.04"        | 34°40'44.1"        |
| 118°47'1.63"        | 34°40'42.4"        |
| 118°47'1.41"        | 34°40'40.5"        |
| 118°47'1.94"        | 34°40'40.1"        |
5. Type of Project: Boat dock maintenance
6. Project Purpose: The purpose of the proposed project is to restore navigation and maintain the areas surrounding the boat dock used by the Forest Service and L.A. County Sheriffs at Pyramid Lake, Emigrant Landing, during normal, low water reservoir levels.
7. Project Description: The proposed project is located at the US Forest Service boat dock, at Pyramid Lake's main boat launch facility. The navigation around the boat dock was severely impaired by the deposition from the bed load which is carried by the Canada de Los Alamos Creek, a tributary to Pyramid Lake.

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The construction will include temporary relocation of the boat dock to deeper water, lowering of the reservoir water level to 2554 feet to expose the lakebed and mechanical removal of deposited sediment debris to the upland spoil sites. The sediment removal will occur from the lakebed elevation of 2,568 down to 2,560 feet in the surrounding area of the boat dock. After the reservoir has been lowered to 2554 feet, the “swamp-cat” bulldozers will enter the exposed lakebed and begin moving the sediment material to the crane drag-lone bucket. The crane will remove the material from the lakebed and load it into the waiting dump trucks located on the existing helicopter pad. Upon completion of the sediment removal, the equipment access ramp will be removed, and the surrounding area will be restored to its pre-project conditions; the boat dock will also be moved back to its original location. The proposed project is expected to begin in February 2008 and will take approximately 21 days to complete.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
Individual Permit (Permit No. 2004-01172-KW)
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section (e.g., 15302 Replacement or Reconstruction).
11. Receiving Water: Pyramid Lake (Hydrologic Unit No. 403.42)
12. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, FRSH, POW, REC-1, REC-2, WARM, COLD, WILD, RARE  
  
\*Conditional beneficial use
13. Impacted Waters of the United States: Lake/Reservoir: 1.60 temporary acres (due to drawdown of the reservoir)

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14. Dredge Volume: 15000 cubic yards
15. Related Projects Implemented/to be Implemented by the Applicant: Within the last 2 years, DWR with the assistance of Department of Boating and Waterways has been repairing and upgrading several recreational sites at Pyramid Lake. These include the Vaquero Boat Launch Ramp, the sites at Bear Trap, Yellowbar, Spanish Point and Serrano Beaches. The work included the upgrades of the courtesy boat docks and abutments and at some sites, the armoring of the shoreline with riprap. These were conducted under 401 Certification File No. 04-085.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Disturbance or removal of vegetation shall not exceed the limits needed to complete the project.
  - The work area shall be flagged to identify its limits within the lakebed and shoreline. Vegetation shall not be removed or impacted beyond these limits.
  - Staging/storage areas for equipment and materials shall be located outside of the reservoir shoreline and its embankments.
  - Vehicles shall not be driven or equipment operated in water covered portions of the reservoir.
  - Access to the work site shall be via existing roads and access ramps. A temporary equipment access ramp will be constructed to access the lakebed and will be within the project footprint. Upon project completion, all access ramps will be restored to pre-project condition.
  - Spoil storage sites shall not be located within the reservoir or any stream, or where spoil can be washed into the reservoir or stream.
  - Preconstruction biological surveys will be conducted one week before work begins. Construction will be monitored by a

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qualified biologist.

- During reservoir water level drawdown period, the lake shoreline will be monitored by the resident biologist, and if necessary, any stranded fish will be rescued from any isolated pools created by the receding shoreline.
- All spills will be cleaned up immediately.
- A silt fence and sand bag barriers will be installed around the work and temporary spoil areas before any sediment removal begins.
- No work will take place during any periods of rain events.
- To prevent turbidity, a Storm Water Pollution Prevention Plan will be developed and implemented, and a Notice of Intent will be filed.

17. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to restore all temporarily impacted areas back to pre-project conditions. The proposed project will remove sediment from the reservoir and restore capacity, as well as allow for better boat dock access during low-elevation water levels.

18. Required  
Compensatory  
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 07-175

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. **16**, are incorporated as additional conditions herein.

## **ATTACHMENT B**

### **Conditions of Certification File No. 07-175**

5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments as specified in the Project Summary provided with the Certification application. The biologist shall be available on site during project activities as specified in order to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
18. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

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19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
- pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)
  - Downstream TSS shall be maintained at ambient levels
  - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall restore **ALL AREAS** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

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21. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup> /May 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:
  - (a) Color photo documentation of the pre- and post-project site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
22. Prior to any subsequent maintenance activities within the project areas, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
23. All applications, reports, or information submitted to the Regional Board shall be signed:
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.

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**Conditions of Certification  
File No. 07-175**

- (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
24. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_ (Signature)  
\_\_\_\_\_ (Title)”

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-175**. Submittals shall be sent to the attention of the 401 Certification Unit.
26. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
27. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the

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### Conditions of Certification File No. 07-175

- Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.